

## Local Politics

# Mayor Jenny Durkan's top staffers used private email accounts to talk head-tax strategy, new records show



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**Seattle officials did not initially turn over the emails in response to The Seattle Times' June 11 Public Records Act request, but the newspaper appealed. The communications raise questions about the use of private email accounts to discuss city business.**



By [Lewis Kamb](#) 

*Seattle Times staff reporter*

Four of Seattle Mayor Jenny Durkan's staffers used private email accounts when planning with political consultants what to do immediately after the City Council reversed course on a controversial business head tax to raise money for housing and homelessness services, according to records released Friday to The Seattle Times.

The [June 11 messages](#) — shared via Gmail accounts among Stephanie Formas, then-Durkan's top spokeswoman, and deputy mayors Mike Fong, David Moseley and Shefali Ranganathan — show that the mayor's office considered the pending council vote to repeal the tax a done deal a day before the council formally voted to do so.



The discussion, which also looped in political consultants Sandeep Kaushik and Kelly Evans for feedback, raises questions about city officials' use of private email or other channels to communicate about city business.

"What this shows me is that city officials are going offline by using Gmail accounts to get instructions from private interests, including outside consultants, for political purposes — and they don't want the public or The Seattle Times to find out," said

[The Seattle Times on Facebook](#)

attorney Lincoln Beauregard, who also obtained the records while litigating a lawsuit against the city related to the head-tax repeal. "It's a deliberate evasion of the transparency laws."

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The city suggested in statements issued Friday that the records didn't involve official city business, but private political discussions.

"The Office of the Mayor conducts official City business on City email," Mark Prentice, Durkan's spokesman, said in an email.

Washington's Public Records Act requires public agencies to "make available for public inspection and copying all public records," unless specifically exempted, including "any writing containing information relating to the conduct of government." The law applies to records created or stored on "home computers or on other personal devices, or from nonagency accounts," which open-government advocates say public officials sometimes use when trying to skirt public disclosure.



The city did not initially turn over the email thread in response to The Times' June 11 Public Records Act request seeking communications about the repeal. After the city closed the request in July, the newspaper appealed, believing not all responsive records had been turned over. The city has since reopened the request and disclosed [several more batches of records](#), including the latest installment of private email exchanges.

The emails were among various records disclosed this past month to lawyer James Egan and open-government activist Arthur West, who separately [sued the city](#) in June.

Each contends that council members, aided by the mayor's office, broke the state's Open Public Meetings Act by secretly predetermining the outcome of the June 12 tax repeal vote. A judge last month [ordered the records turned over](#) after lawyers for the city unsuccessfully argued they weren't subject to disclosure because they involved private campaign dealings unrelated to city business. The Times is not a party to the legal case.

"The Court's Order required the City to take a much broader interpretation of what should be produced in response to discovery requests," Dan Nolte, spokesman for Seattle City Attorney Pete Holmes, said in an email. "In the interest of consistency and transparency, the City chose to turn them over to you due to your interest in this matter."

The thread is the latest disclosure to illuminate what was happening behind the scenes in the lead-up to the sudden reversal on the head tax five-and-a-half months ago. Previous disclosures have shown that members of Bring Seattle Home, a political campaign backed by SEIU Local 775 President David Rolf and formed to oppose a repeal referendum, [shared unfavorable head-tax polling results](#) with two deputy mayors and four council members, and that Durkan's deputies then [privately lined up a majority of council members](#) for a repeal effort.

Sent with a subject line "Clips + Next Steps," the email thread in question was started by Formas on the afternoon of June 11, a few hours after Durkan and seven council members [issued a joint press statement](#) signaling their support for repealing the

Employee Hours Tax. The seven members [officially killed the tax](#) at a special meeting the next day.

"Good editorial," Formas wrote to the group at 3:55 p.m., in a message from her Gmail account referencing a Times editorial praising a repeal. "We can sign tomorrow after Council passes. And then we were thinking about doing a press availability. Thoughts?"

Formas' email, along with hyperlinks to the editorial and various news stories, also contained details of a proposal put together by "Fong + team" dubbed "Seattle's Path Forward on Homelessness: Four Point Plan."

Over the next few hours, Kaushik, Moseley, Fong and Evans chimed in with messages from private email accounts, including an exchange in which Evans offered advice to Fong on the plan to address homelessness.

Asked in an email Friday why the group used private email accounts for the discussion, Formas, now Durkan's chief of staff, responded that she was out of the office and directed questions to Prentice, whose prepared statement indicated the city contends the email thread doesn't relate to official business.

"Once a repeal referendum had been filed in May, staff were given ethical guidance consistent with training and the law that all communications regarding the repeal and potential political campaigns ... could not be done on City email and instead should be conducted on personal email," the statement said.

Toby Nixon, president of the Washington Coalition for Open Government, reviewed the emails Friday and said they appear "absolutely related to city business and not a campaign." The email thread "should have been previously disclosed before your request was closed," he added.

"It's clearly not appropriate to have that conversation on a private email account, or in this case a bunch of private email accounts," Nixon said.

The inclusion of the political consultants also may signal "an inappropriate mixing of campaign business and city business," Nixon said.

Evans and Kaushik, partners in the firm [Sound View Strategies](#), which has represented a variety of private and political interests — including consulting for Durkan's mayoral campaign and [lobbying](#) for firms with business interests before the city — said in an email Friday the firm "had no formal or paid position with any person or organization involved in the head-tax conversation."

"As that issue developed, several different parties involved in the issue informally asked us for our thoughts on the head tax debate, the potential voter referendum and how best to move forward," the email said. "This is one example of that."

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